

August 9, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 9th day of August, 2016, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Straight called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	William H. (Bill) Burdick
Fifth District	Fran Warner
Sixth District	Daniel K. (Dan) Weber
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Fire Chief	Ed Simmons
City Planner	Sandra Scaffidi
Communications/Marketing	Hanna Weaver

IN RE: OPENING CEREMONIES

Rev. D. D. Meighen gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Warner.

IN RE: PRESENTATION OF CERTIFICATES

Mayor Straight presented Certificates of Completion to those that have graduated from the Fairmont 101 Class. The Mayor encouraged others to get involved and see the process of how each City department works. He noted that the next class will begin in April, 2017.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of

the minutes from the Regular Meeting held on July 26, 2016.

Councilmember Moran moved to approve the minutes as submitted. The motion was seconded by Councilmember Yann.

The Mayor declared the minutes approved as submitted by voice vote of Council.

PUBLIC HEARINGS

There were no public hearings scheduled for this meeting.

ANNOUNCEMENTS

IN RE: RIBBON CUTTING

Councilmember Moran encouraged everyone to attend the ribbon cutting and open house of the Citizens Building on Adams Street on Thursday, August 11th at 10:00 a.m.

IN RE: PLANNING DEPARTMENT COMMENDED

Councilmember Yann commended the Planning Department on how they treat customers with courtesy and respect.

IN RE: MEALS ON WHEELS

Councilmember Yann stated that Meals on Wheels is in need of drivers and volunteers.

IN RE: WV MUNICIIPAL LEAGUE CONFERENCE

Councilmember Linger noted that he was sorry that he could not attend the WV Municipal League Conference last week at Stonewall Resort but he was busy with work.

Mayor Straight reported that he, several Councilmembers, the City Manager and the City Clerk attended the WV Municipal League Conference last week. He reported that the northern end of West Virginia is faring a lot better than the municipalities in the south. He said it was not only because of funding but also because they are still working on cleaning up their towns from the devastating floods back in June.

IN RE: FAIRMONT 101 CLASS

Councilmember Burdick commended the new Fairmont 101 Class.

Councilmember Mason also congratulated the graduates of the Fairmont 101 Class. He then encouraged the new graduates to join boards and commissions and to make themselves available to serve our town.

Councilmember Weber extended his congratulations to the Fairmont 101 Class.

IN RE: PROPERTY NEAR CITY PARKS

Councilmember Burdick suggested that when property around the City parks starts to become available that maybe the City would be interested in purchasing that property to expand the City parks.

IN RE: PUBLISH AGENDA IN NEWSPAPER

Councilmember Weber suggested again about publishing the City Council agenda in the newspaper even if the City has to pay for it. He then stated that the Planning Commission agenda also needs to be advertised in the newspaper.

IN RE: CROSSWALK FOR ADAMS STREET

Councilmember Weber stated that he would like to thank Misty Poe for her article in the newspaper talking about the need for a crosswalk on Adams Street between the Parking Garage and the WV State Office Complex Building. He said the answer from the DOH is that they are not going to do it but he thought the citizens need to contact their State representatives to let them know that a crosswalk is needed.

CITIZENS PETITIONS

IN RE: PROPOSED REZONING OF BELL RUN ROAD PROPERTY

TWYLA MARRA, a resident of 9 Troy Lane, addressed Council and spoke against the proposed rezoning of property at 1004 Bell Run Road. She said that the residents know that their first step is to go to the Planning Commission on September 21st in which they will be attending. She explained the property on Bell Run Road is currently zoned as General Residential for single dwelling homes and the Fitzwater's have bought the property and they are planning on rezoning it to Neighborhood Residential

and they plan to build townhouses on the 1.7 acres. She went on to say that the neighbors are concerned and plan on going to the September 21st meeting to voice their opinions and concerns and hand in a petition against the rezoning. Ms. Marra also mentioned that if it is rezoned, it will have to be approved by City Council at a later date so that is why they are voicing their concerns now.

SHARON IAQUINTA, a resident of 1046 Beverly Circle, presented some of the problems and concerns they have as citizens. She said that this neighborhood consist primarily of single family residents and this is no place for a large apartment complex nor the added traffic that will be imposed in their neighborhood. She added that it will bring a lot of noise and impact the natural wildlife that they currently have. She said that the residents are very concerned about the infrastructure of Bell Run Road and/or the lack of it. She mentioned that Bell Run Road is a two-lane road and cannot handle all of that traffic and there is not enough water pressure to reach the homes on West View Drive and some of the residents have had to put pumps in to get the water pressure. Ms. Iaquinta mentioned the sewage system and stated that the system is too small to handle the added volume when there is rain and currently a manhole cover blows off when it is raining. She said that the proposed complex like this will be unappealing as you enter Bell Run Road and will be out of place in their charming neighborhood of small homes. She then said that they really don't want another large complex like there is on Locust Avenue, like Falcon Crest. Ms. Iaquinta went on to say that the rezoning will decrease their property values and their homes are their investment. She added that the apartments will bring in unsavory people into their neighborhood and they already have that from a residence on Brookside Drive. She closed by saying that this is a nice middle class neighborhood and they would really like to keep the integrity of their neighborhood that way.

SUSAN SCHRADER, a resident of Bell Run Road, reported that she and Ms. Marra met with City Planner Sandra Scaffidi to voice their concerns. She said that they have a very quiet neighborhood and they would like to keep it that way. She then presented Council with pictures of the property to be rezoned and other pictures of the street and the apartment building currently located on Brookside Drive.

IN RE: BACKPACK PROGRAM

DIAMOND BROWN, a resident of Norval Street, addressed Council regarding projects going on in her neighborhood. She reminded Council of the Marion County Start Smart Backpack Program to be held on Saturday, August 13. She reported that there will be lots of activities going on and also a local

barber will be set up to give free haircuts to the boys before school starts. She invited everyone to attend this event on Saturday, August 13, from 12:00 noon until 3:00 p.m. at Windmill Park.

IN RE: VARIOUS CONCERNS

STEVE ATKINSON, owner of the Poky Dot, addressed Council regarding several concerns:

- The lack of information being passed around Fairmont. He said there is no publication for advanced notice of events that are taking place in Fairmont. He said that businesses would like to know and be given advanced notice.
- He said that he never had an issue with Republic Services. He noted that they are easy to deal with and has no issues with them at all. He then suggested that businesses should be required to enclose their dumpsters. He also mentioned that people and/or contractors are dumping in other people's dumpsters and they should not be allowed to do this.
- He mentioned a situation he had with Time Warner Cable and said that he had a problem with the cable company that affected his business for more than five days. He reported that they could not process credit card payments due to the internet and phones being down. He said that residents need to have an option with their cable, telephone and internet service.

IN RE: PROPOSED INCREASE FOR REPUBLIC SERVICES

DEBBIE SEIFRIT, 322 Brown Street, reminded Council that Republic Services was given a pay increase about four years ago when the gas prices were really high now they are wanting more money and gas prices are down. She noted that last year the senior citizens did not get a raise because the gas prices were down and this year they are supposed to get a 1% increase. She mentioned that there are so many seniors in this City living on less than \$1,000.00 per month and everything goes up. She said the City had to take care of the water problem, then it was the \$2.00 for the Street Maintenance Charge, and now the parking is going up and now the City implemented the 1% sales tax and now Council wants to raise more money for the garbage. She noted that you can only spend your money one time. She then encourage Council to try to live on less than \$1,000.00 per month while they are trying to take more money from these people.

DEBBIE HARVEY, Director of the Marion County Senior Citizens Center, read the mission statement of the Marion County Senior Citizens. She then said that the rate that Republic is asking, Council feels is very minimal, however,

they have seniors living on \$500.00, \$800.00, and even \$900.00 per month. She said that they are paying for paving, a 1% sales tax, and when the gas prices went down, Republic did not lower the prices for anybody. She added that these seniors cannot go and ask a boss for a raise, they get what they get. Ms. Harvey then stated that they have seniors that when you deliver meals to their homes, they might have a quart of milk in the refrigerator left from their meal the day before, and they cannot even afford to buy food. She then asked Council that when they vote, humor her and at least go in the back room and act like you are discussing what people bring to their attention. She then asked Council how can they vote when they are just listening to people's complaints and concerns tonight without discussing what people are bringing to their attention because not one Councilmember could live on \$500.00 per month. She closed by saying that she is advocating on behalf of the seniors and some cannot even afford to buy food. She then asked why Republic needs more money. She then said that seniors are lucky to put out one bag of garbage and why should they be penalized because Republic is picking up garbage that they shouldn't be picking up. She said if people are putting out more garbage than they should, then don't pick it up or bill that specific person for putting out too much garbage.

LINDA ANTONK asked why is it that when the City underestimates their budget, they expect the citizens to make it up. She said that she wants to know why she has to pay for paving when the City officials did not allow enough money in their budget for paving. She said that citizens pay more for everything and there is nothing new in Fairmont. She said that she is on a fixed income and who is going to help her pay for things she cannot afford.

CITY MANAGER'S REPORT

IN RE: PUBLIC EVENTS

Mr. Gomez said that he has met with the CVB, the Chamber of Commerce, FSU and Pierpont, and a few others to regionalize and create some sort of collaboration to have a listing of all activities. He noted that they are working to create a listing of all public events.

IN RE: DUMPSTER DECORATING

The Manager said that where he came from, they had dumpster decorating. He said that you encourage businesses to decorate and to a better job of putting something on it so the dumpster doesn't look like a dumpster and you know that it is not there. He noted that this is something else that we are looking to do to make the City look more attractive.

IN RE: CABLE FRANCHISE

Mr. Gomez said that our cable franchise agreements are specifically for cable and telephone but not for the internet.

The City Attorney replied they are also non-exclusive. He said that Time Warner currently owns the infrastructure and for someone else to come in, it would have to be a major investment with regard to the lines and other things that are necessary. He said currently the City's agreement is a non-exclusive franchise agreement and does not preclude anyone else from doing this.

Mr. Gomez said that agreement does not regulate internet or the provision of internet services.

Mr. Sansalone replied just the cable services.

IN RE: PUBLIC SERVICE COMMISSION – PARKING

Mr. Gomez reported that the Public Service Commission does not regulate parking. He noted that was our process that we do regulate and there are free parking spaces in downtown.

IN RE: WELCOME FSU AND PIERPONT STUDENTS

The City Manager stated that he wanted to welcome all Fairmont State University and Pierpont students as classes do begin next Monday, August 15.

IN RE: WVML CONFERENCE

Mr. Gomez reported that several attended the WVML Conference last week. He noted that it was great to interact with other municipalities and other city officials. He noted that we are not alone in the issues that we are addressing and thankfully we are fairly, financially and operationally managing and getting along better than the southern region of the State.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: INTRODUCTION, FIRST READING SET PUBLIC HEARING, AN ORDINANCE OF THE COUNCIL FOR THE CITY OF FAIRMONT APPROVING THE

TERMS AND CONDITIONS OF THAT CERTAIN MEMORANDUM OF EXTENSION OR RENEWAL OF CONTRACT DATED SEPTEMBER 1, 2011, BY AND BETWEEN THE CITY OF FAIRMONT, A MUNICIPAL CORPORATION, AND ALLIED WASTE SERVICES OF NORTH AMERICA, INC., A CORPORATION, D/B/A REPUBLIC SERVICES, PROVIDING FOR AN EXTENSION PERIOD OF FIVE (5) YEARS FROM SEPTEMBER 1, 2016; FIXING RATES, FEES AND CHARGES FOR THE RENEWAL TERM; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER THE MEMORANDUM ON BEHALF OF THE CITY

Mayor Straight entertained a motion and a second for the introduction of an ordinance approving the terms and conditions of the Memorandum of Extension by and between the City of Fairmont and Allied Waste Services d/b/a Republic Services.

Motion:

Councilmember Mainella moved for the introduction of the proposed ordinance and the reading of a synopsis in lieu of the entire ordinance. Councilmember Warner seconded the motion.

The Clerk read the proposed ordinance by synopsis for the first time.

Discussion:

Councilmember Weber stated that the 12.5% increase and 3% for every five years after that hurts the single parent, the disabled, and the seniors with just one means of income. He said as the \$1.85 per month is equal to .25% that social security will pay beginning next year on January 1st is almost where they dollar of gasoline is today. He then said that the City wants a 12.5% increase for people who are only getting a point percent increase which seems rather high. He said that he goes around and takes pictures in which he showed the audience pictures of dumpsters that were overflowing with garbage. He then said that the City Manager needs to encourage some of the people to get a larger dumpster. He then suggested lowering the rate, maybe to half, to a 6% increase and then over the next four to five years, 1% to 1.2% increase. He went on to say that the City has paid Republic over one million dollars a year now for garbage pick-up and with this 12.5% increase, it will increase to \$125,000 to \$130,000 more per year. He then said that someone is failing and he thinks the City of Fairmont is failing and he thinks Republic is failing and when we have issues with a dumpster that is full, every other day, then Republic should go by and pick it

up every other day. He went on to say that the City should work with Republic and come down with a lesser amount for an increase.

Councilmember Yann asked if there is anyone else that wants to provide this service.

Mr. Gomez said that Mountain State Waste expressed that they could provide the same service and it is our understanding that they currently do not meet the requirements under the WV State Code to provide solid waste collection and disposal at the City of Fairmont. He went on to say that under the code, they need to have a common carrier certificate for approval from the Public Service Commission to be able to provide solid waste collection and disposal. He said that Mountain State Waste has stated that they are exempt from that under the US Interstate Commerce clause because they would dispose of the solid waste outside of the boundaries of the State of WV. He noted that they would dispose of it somewhere in the boundaries in the State of PA. He also mentioned that their rates would be slightly lower than what Republic is providing, not a significant decrease, but slightly lower but it is our understanding that they are not legally able to do that. Mr. Gomez mentioned that he held over six meetings to address this increase and he expressed to Republic that it is not acceptable and that, in his opinion, it would not be approved by Council. He said trying to get a service to continue without interruption if this item is not approved then we would be in a little bit of a precarious situation where we would be bound by still by the common carrier certificate but under a tariff rate that under which Republic has applied for a sizeable rate increase from the Public Service Commission. He then said that we would no longer essentially control our rates and we would still be below the carriers around us.

The Mayor declared the public hearing set for September 13, 2016 by voice vote of Council with Councilmember Weber voting no to set the public hearing.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mason moved to adjourn the meeting. The motion was seconded by Councilmember Mainella.

The Mayor declared the meeting adjourned by voice vote of Council at 8:15 p.m.